

Jess B. Millikan (CSB#095540)
Samuel H. Ruby (CSB#191091)
BULLIVANT HOUSER BAILEY PC
601 California Street, Suite 1800
San Francisco, California 94108
Telephone: 415.352.2700
Facsimile: 415.352.2701
jess.millikan@bullivant.com
samuel.ruby@bullivant.com

Attorneys for Defendant
United States Fire Insurance Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

COPART INC.,

Plaintiff,

vs.

CRUM & FORSTER INDEMNITY
COMPANY,¹ UNITED STATES FIRE
INSURANCE COMPANY, and DOES 1-10,

Defendants.

AND RELATED COUNTERCLAIMS.

Case No.: C 07 02684 CW

**DECLARATION OF SAMUEL H. RUBY
IN SUPPORT OF U.S.FIRE'S MOTION
TO COMPEL FURTHER RESPONSES
TO DOCUMENT REQUESTS TO
COPART**

Date: TO BE SET

Time:

Courtroom:

¹ Dismissed by Order Upon Stipulation (6/15/07).

1 I, Samuel H. Ruby, declare under penalty of perjury under the laws of the State of
2 California and of the United States that the following matters are true and correct of my own
3 personal knowledge:

4 1. I am a shareholder at Bullivant Houser Bailey PC, attorneys of record for defendant U.S.
5 Fire Insurance Company in the above-entitled action.

6 2. I caused to be served on plaintiff Copart Inc. a set of documents requests, a true and
7 correct copy of which is attached hereto as Exhibit A.

8 3. I received plaintiff's responses to U.S. Fire's document requests. A true and correct
9 copy of said responses is attached hereto as Exhibit B.

10 4. On October 17, 2007, I spoke via telephone with Rick Larson, counsel for Copart, and
11 attempted in good faith to resolve the disputes identified in the Statement of Discovery
12 Responses in Dispute filed herewith. Mr. Larson did not agree to amend or supplement
13 Copart's responses nor to produce any additional documents.

14 5. On October 18, 2007, I emailed Mr. Larson a list of questions about Copart's privilege
15 log. A copy of my email is attached hereto as Exhibit C.

16 6. As of this writing, I have not received any amended or supplemental responses to U.S.
17 Fire's document requests, nor have I received any additional documents. Nor have I received
18 any answers to my questions about the privilege log.

19
20 I declare under penalty of perjury that the foregoing is true and correct.

21 Executed on the 28th day of November, 2007 at San Francisco, California.
22
23

24 _____
25 /s/ Samuel H. Ruby
26 Samuel H. Ruby
27
28

EXHIBIT A

Jess B. Millikan (CSB#095540)
Samuel H. Ruby (CSB#191091)
BULLIVANT HOUSER BAILEY PC
601 California Street, Suite 1800
San Francisco, California 94108
Telephone: 415.352.2700
Facsimile: 415.352.2701
jess.millikan@bullivant.com
samuel.ruby@bullivant.com

Attorneys for Defendant
United States Fire Insurance Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

COPART INC.,

Plaintiff,

vs.

CRUM & FORSTER INDEMNITY
COMPANY,¹ UNITED STATES FIRE
INSURANCE COMPANY, and DOES 1-10,

Defendants.

AND RELATED COUNTERCLAIMS.

Case No.: C 07 02684 CW

**US FIRE'S FIRST SET OF DOCUMENT
REQUESTS TO COPART**

¹ Dismissed by Order Upon Stipulation (6/15/07).

Pursuant to FRCP 34, United States Fire Insurance Company ("USFIC") requests that Copart, Inc. ("Copart" or "you") produce the following documents for inspection and copying at the offices of USFIC's counsel on or before 10:00 a.m. on September 11, 2007:

1. All documents identified in your initial disclosures.

2. All documents which you contend constitute U.S. Fire Policy No. 2441854323 (if you deny that the documents produced to you as POL 1-88 constitute a true and correct copy of the policy).

3. All documents which you contend constitute U.S. Fire Policy No. 2441873745 (if you deny that the documents produced to you as POL 89-217 constitute a true and correct copy of the policy).

4. All documents which you contend constitute U.S. Fire Policy No. 2441086561 (if you deny that the documents produced to you as POL 218-299 constitute a true and correct copy of the policy).

5. All documents which you contend constitute U.S. Fire Policy No. 2441895921 (if you deny that the documents produced to you as POL 300-391 constitutes a true and correct copy of the policy).

6. All documents constituting, memorializing, or referring to communications between you and Marsh concerning the solicitation, negotiation, issuance, amendment, or renewal of any of the policies issued to you by USFIC.

7. All schedules of locations, statements of values, or similar documents prepared by you since July 1, 2003 for your insurance purposes.

8. All schedules of locations, statements of values, or similar documents prepared by Marsh since July 1, 2003 for your insurance purposes.

9. All documents reflecting or relating to decisions to list or not to list any locations in any schedule of locations, statement of values or similar documents prepared by you or Marsh for your insurance purposes.

10. All documents reflecting or relating to decisions as to what values should or would be stated in any schedule of locations, statement of values or similar documents prepared by you or Marsh for your insurance purposes.

11. All documents reflecting or relating to any decisions by you to request or not request that USFIC add coverage under any policy for a location not previously reported.

12. All documents reflecting or relating to any decisions by you to request or not request that USFIC delete coverage under any policy for any location.

13. All documents reflecting or relating to any decisions by you to report or not report a change in values from the values previously reported for a location.

14. All documents reflecting or relating to your acquisition of Yard 105.

15. All documents reflecting or relating to the construction of any buildings at Yard 105 after you acquired the yard.

16. All internal or external communications with anyone (other than attorney-client communications) concerning the damage or other losses at Yard 105 that are the subject of this litigation.

17. All internal or external communications with anyone (other than attorney-client communications) concerning your insurance claim for damage or other losses at Yard 105.

18. All lists of schedules of real property assets prepared or maintained by you (or on your behalf) for accounting or tax purposes since July 1, 2003.

19. All documents indicating or reflecting the replacement cost values of buildings owned by you at any time since July 1, 2003.

20. All documents indicating or reflecting the replacement cost values of personal property (excluding computer equipment) at buildings owned by you at any time since July 1, 2003.

21. All documents indicating or reflecting the replacement cost values of computer equipment at buildings owned by you at any time since July 1, 2003.

22. For each building owned by you at any time since July 1, 2003, all documents indicating or reflecting what would be your loss of business income in the event of damage to the building.

23. For each building owned by you at any time since July 1, 2003, all documents indicating or reflecting what would be your extra expenses in the event of damage to the building.

DATED: August 9, 2007

BULLIVANT HOUSER BAILEY PC

By Samuel H. Ruby
Samuel H. Ruby

Attorneys for Defendant United States Fire
Insurance Company

6084321.1

PROOF OF SERVICE

Copart Inc. v. Crum & Forster Indemnity Company, et al.
USDC, Northern District of California, Case No. C 07 2684

I am employed in the City and County of San Francisco by the law firm of Bullivant Houser Bailey ("the business"), 601 California Street, Suite 1800, San Francisco, CA 94108. I am over the age of 18 and not a party to this action. On August 9, 2007, I served the document(s) entitled:

US FIRE'S FIRST SET OF DOCUMENT REQUEST TO COPART

upon the following party(ies):

Philip L. Pillsbury Vedica Puri PILLSBURY & LEVINSON, LLP 600 Montgomery St., 31 st Flr. San Francisco, CA 94111 Tel: (415) 433-8000 Fax: (415) 433-4816 Attorneys for Plaintiff COPART INC.	
---	--

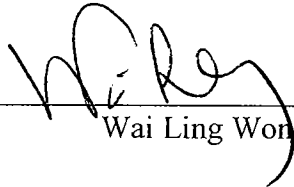
- (X) BY MAIL (CCP § 1013(a)): I am readily familiar with the ordinary practice of the business with respect to the collection and processing of correspondence for mailing with the United States Postal Service. I placed a true and correct copy(ies) of the above-titled document(s) in an envelope(s) addressed as above, with first class postage thereon fully prepaid. I sealed the aforesaid envelope(s) and placed it(them) for collection and mailing by the United States Postal Service in accordance with the ordinary practice of the business. Correspondence so placed is ordinarily deposited by the business with the United States Postal Service on the same day.
- () BY FACSIMILE TRANSMISSION (CCP § 1013(e), CRC 2008(e)): I transmitted the document(s) by facsimile transmission by placing it(them) in a facsimile machine (telephone number 415-352-2701) and transmitting it(them) to the facsimile machine telephone number(s) listed above. A transmission report was properly issued by the transmitting facsimile machine. Each transmission was reported as complete and without error. A true and correct copy of the transmission report is attached hereto.
- () BY OVERNIGHT DELIVERY (CCP § 1013(c)): I am readily familiar with the ordinary practice of the business with respect to the collection and processing of correspondence for mailing by Express Mail and other carriers providing for overnight delivery. I placed a true and correct copy(ies) of the above-titled document(s) in an envelope(s) addressed as above, with first class postage thereon fully prepaid. I sealed the aforesaid envelope(s) and placed it(them) for collection and mailing by Express Mail or other carrier for overnight delivery in accordance with the ordinary practice of the business. Correspondence so placed is ordinarily deposited by the business with Express Mail or other carrier on the same day.
- () BY PERSONAL SERVICE UPON AN ATTORNEY (CCP § 1011(a)): I placed a true and correct copy(ies) of the above-titled document(s) in a sealed envelope(s) addressed as indicated above. I delivered each of said envelope(s) by hand to a receptionist or a

1 person authorized to accept same at the address on the envelope, or, if no person was
2 present, by leaving the envelope in a conspicuous place in the office between the hours
of nine in the morning and five in the afternoon.

3 () BY HAND Pursuant to Code of Civil Procedure § 1011, I directed each envelope to the
4 party(ies) so designated on the service list to be delivered by courier this date. A proof
of service by hand executed by the courier shall be filed/lodged with the court under
5 separate cover.

6 () BY PERSONAL SERVICE UPON A PARTY (CCP § 1011(b)): I placed a true and
7 correct copy(ies) of the above-titled document(s) in a sealed envelope(s) addressed as
indicated above. I delivered each of said envelope(s) by hand to a person of not less
8 than 18 years of age at the address listed on the envelope, between the hours of eight in
the morning and six in the evening.

9 I declare under penalty of perjury that the foregoing is true and correct. Executed on
August 9, 2007, at San Francisco, California.

10
11 
12 Wai Ling Wong

13 *****
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT B

PILLSBURY & LEVINSON, LLP
The Transamerica Pyramid
600 Montgomery Street, 31st Floor · San Francisco, CA 94111

Philip L. Pillsbury, Jr. (SBN 72261)
Vedica Puri (SBN 176252)
Eric K. Larson (SBN 142791)
PILLSBURY & LEVINSON, LLP
The Transamerica Pyramid
600 Montgomery Street, 31st Floor
San Francisco, CA 94111
Telephone: (415) 433-8000
Facsimile: (415) 433-4816
ppillsbury@pillsburylevinson.com
vpuri@pillsburylevinson.com

Attorneys for Plaintiff
COPART INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

COPART INC.,

Plaintiff,

vs.

CRUM & FORSTER INDEMNITY
COMPANY, UNITED STATES FIRE
INSURANCE COMPANY, and DOES 1-10,
Inclusive,

Defendants.

UNITED STATES FIRE INSURANCE
COMPANY,

Counterclaimant,

vs.

COPART, INC.,

Counterdefendant.

Case No. C 07 2684 CW

**COPART'S RESPONSE TO U.S.
FIRE'S FIRST SET OF DOCUMENT
REQUESTS**

Preliminary Statement and Objections

Other than Copart's copies of the policies themselves, some application materials, and correspondence between counsel, most of the relevant documents in Copart's possession, custody or control are comprised of emails between Copart and Marsh, and attachments thereto. Copart has diligently been accumulating all emails by and among (a) its personnel who were involved in obtaining insurance coverage, (b) Marsh, and (c) Crum & Forster. However, Copart's emails prior to July 1, 2005 are inaccessible on main corporate servers and not on back up tapes. On July 4, 2005 Copart changed its corporate email server. Most users started fresh on the new system without data migration. The old server only hosted email temporarily until it was retrieved. Sent email was not copied or backed up. Therefore, emails prior to July 2005 would exist only on a Copart employee's local PC. There are three key Copart personnel who were involved in obtaining property insurance -- Simon Rote, William Franklin and Michael Carson. Therefore, Copart has searched the local PCs of these three individuals and has secured relevant emails, including those pre-July, 2005.

Also, Copart believes that any relevant emails that may have been lost in its server conversion will likely exist in the possession of either Marsh or Crum & Forster.

Copart objects to the production of any documents protected by the attorney-client privilege or attorney work-product doctrine.

DOCUMENTS TO BE PRODUCED

DOCUMENT REQUEST NO. 1:

All documents identified in your initial disclosures.

RESPONSE TO DOCUMENT REQUEST NO. 1:

Copart will produce documents responsive to this request.

DOCUMENT REQUEST NO. 2:

All documents which you contend constitute U.S. Fire Policy No. 2441854323 (if you deny that the documents produced to you as POL 1-88 constitute a true and correct copy of the policy).

RESPONSE TO DOCUMENT REQUEST NO. 2:

Copart will produce documents responsive to this request.

DOCUMENT REQUEST NO. 3:

All documents which you contend constitute U.S. Fire Policy No. 2441873745 (if you deny that the documents produced to you as POL 89-217 constitute a true and correct copy of the policy).

RESPONSE TO DOCUMENT REQUEST NO. 3:

Copart will produce documents responsive to this request.

DOCUMENT REQUEST NO. 4:

All documents which you contend constitute U.S. Fire Policy No. 2441086561 (if you deny that the documents produced to you as POL 218-299 constitute a true and correct copy of the policy).

RESPONSE TO DOCUMENT REQUEST NO. 4:

Copart will produce documents responsive to this request.

DOCUMENT REQUEST NO. 5:

All documents which you contend constitute U.S. Fire Policy No. 2441895921 (if you deny that the documents produced to you as POL 300-391 constitutes a true and correct copy of the policy).

RESPONSE TO DOCUMENT REQUEST NO. 5:

Copart will produce documents responsive to this request.

DOCUMENT REQUEST NO. 6:

All documents constituting, memorializing, or referring to communications between you and Marsh concerning the solicitation, negotiation, issuance, amendment, or renewal of any of the policies issued to you by USFIC.

RESPONSE TO DOCUMENT REQUEST NO. 6:

Copart will produce documents responsive to this request.

///

///

DOCUMENT REQUEST NO. 7:

All schedules of locations, statements of values, or similar documents prepared by you since July 1, 2003 for your insurance purposes.

RESPONSE TO DOCUMENT REQUEST NO. 7:

Copart objects to this request in that it is vague, ambiguous, overbroad, unduly burdensome and seeks documents neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving and subject to this objection, Copart will produce documents related to its property policies issued by USFIC.

DOCUMENT REQUEST NO. 8:

All schedules of locations, statements of values, or similar documents prepared by Marsh since July 1, 2003 for your insurance purposes.

RESPONSE TO DOCUMENT REQUEST NO. 8:

Copart objects to this request in that it is vague, ambiguous, overbroad, unduly burdensome and seeks documents neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving and subject to this objection, Copart will produce documents related to its property policies issued by USFIC.

DOCUMENT REQUEST NO. 9:

All documents reflecting or relating to decisions to list or not to list any locations in any schedule of locations, statement of values or similar documents prepared by you or Marsh for your insurance purposes.

RESPONSE TO DOCUMENT REQUEST NO. 9:

Copart objects to this request in that it is vague, ambiguous, overbroad, unduly burdensome and seeks documents neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving and subject to this objection, Copart will produce documents related to its property policies issued by USFIC.

///

///

///

DOCUMENT REQUEST NO. 10:

All documents reflecting or relating to decisions as to what values should or would be stated in any schedule of locations, statement of values or similar documents prepared by you or Marsh for your insurance purposes.

RESPONSE TO DOCUMENT REQUEST NO. 10:

Copart objects to this request in that it is vague, ambiguous, overbroad, unduly burdensome and seeks documents neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving and subject to this objection, Copart will produce documents related to its property policies issued by USFIC.

DOCUMENT REQUEST NO. 11:

All documents reflecting or relating to any decisions by you to request or not request that USFIC add coverage under any policy for a location not previously reported.

RESPONSE TO DOCUMENT REQUEST NO. 11:

Copart objects to this request in that it is vague, ambiguous, argumentative and assumes facts not in evidence in its use of the phrase "add coverage" and cannot respond to this request as written. Without waiving and subject to these objections, Copart will produce documents related to its property policies issued by USFIC.

DOCUMENT REQUEST NO. 12:

All documents reflecting or relating to any decisions by you to request or not request that USFIC delete coverage under any policy for any location.

RESPONSE TO DOCUMENT REQUEST NO. 12:

Copart objects to this request in that it is so vague, ambiguous and argumentative. Without waiving and subject to this objection, Copart will produce documents related to its decision to delete inventory coverage in 2006.

DOCUMENT REQUEST NO. 13:

All documents reflecting or relating to any decisions by you to report or not report a change in values from the values previously reported for a location.

RESPONSE TO DOCUMENT REQUEST NO. 13:

Copart objects to this request in that it is vague, ambiguous, overbroad, unduly burdensome and seeks documents neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. The request is not limited to information given to USFIC or even to insurance generally. Without waiving and subject to these objections, Copart will produce documents related to its property policies issued by USFIC.

DOCUMENT REQUEST NO. 14:

All documents reflecting or relating to your acquisition of Yard 105.

RESPONSE TO DOCUMENT REQUEST NO. 14:

Copart objects that this request is vague, ambiguous, overbroad and unduly burdensome. Without waiving and subject to this objection, Copart states that it is currently searching for documents evidencing its acquisition of Yard 105 and will produce those documents if they still exist in Copart's possession, custody or control.

DOCUMENT REQUEST NO. 15:

All documents reflecting or relating to the construction of any buildings at Yard 105 after you acquired the yard.

RESPONSE TO DOCUMENT REQUEST NO. 15:

Copart objects that this request is vague, ambiguous, overbroad and unduly burdensome. Without waiving and subject to this objection, Copart states that it is currently searching for documents evidencing its construction of buildings of Yard 105 and will produce those documents if they still exist in Copart's possession, custody or control.

DOCUMENT REQUEST NO. 16:

All internal or external communications with anyone (other than attorney-client communications) concerning the damage or other losses at Yard 105 that are the subject of this litigation.

RESPONSE TO DOCUMENT REQUEST NO. 16:

Copart will produce documents responsive to this request, and has already produced a number of documents related to its losses suffered at Yard 105 to USFIC .

DOCUMENT REQUEST NO. 17:

All internal or external communications with anyone (other than attorney-client communications) concerning your insurance claim for damage or other losses at Yard 105.

RESPONSE TO DOCUMENT REQUEST NO. 17:

Copart will produce documents responsive to this request.

DOCUMENT REQUEST NO. 18:

All lists of schedules of real property assets prepared or maintained by you (or on your behalf) for accounting or tax purposes since July 1, 2003.

RESPONSE TO DOCUMENT REQUEST NO. 18:

Copart objects to this request in that it is vague, ambiguous, overbroad, unduly burdensome and seeks documents neither relevant to the issues in this action nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving and subject to these objections, Copart will produce Statement of Values forms ("SOVs") prepared for its USFIC property insurance purposes since July 1, 2003.

DOCUMENT REQUEST NO. 19:

All documents indicating or reflecting the replacement cost values of buildings owned by you at any time since July 1, 2003.

RESPONSE TO DOCUMENT REQUEST NO. 19:

Copart objects to this request in that it is vague, ambiguous, overbroad, unduly burdensome and seeks documents neither relevant to the issues in this action nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving and subject to these objections, Copart will produce documents related to its property policies issued by USFIC.

DOCUMENT REQUEST NO. 20:

All documents indicating or reflecting the replacement cost values of personal property (excluding computer equipment) at buildings owned by you at any time since July 1, 2003.

RESPONSE TO DOCUMENT REQUEST NO. 20:

Copart objects to this request in that it is vague, ambiguous, overbroad, unduly burdensome and seeks documents neither relevant to the issues in this action nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving and subject to these objections, Copart will produce documents related to its property policies issued by USFIC.

DOCUMENT REQUEST NO. 21:

All documents indicating or reflecting the replacement cost values of computer equipment at buildings owned by you at any time since July 1, 2003.

RESPONSE TO DOCUMENT REQUEST NO. 21:

Copart objects to this request in that it is vague, ambiguous, overbroad, unduly burdensome and seeks documents neither relevant to the issues in this action nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving and subject to these objections, Copart will produce documents related to its property policies issued by USFIC.

DOCUMENT REQUEST NO. 22:

For each building owned by you at any time since July 1, 2003, all documents indicating or reflecting what would be your loss of business income in the event of damage to the building.

RESPONSE TO DOCUMENT REQUEST NO. 22:

Copart objects to this request in that it is vague, ambiguous, overbroad, unduly burdensome and seeks documents neither relevant to the issues in this action nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving and subject to these objections, Copart will produce documents related to its property policies issued by USFIC.

DOCUMENT REQUEST NO. 23:

For each building owned by you at any time since July 1, 2003, all documents indicating or reflecting what would be your extra expenses in the event of damage to the building.

RESPONSE TO DOCUMENT REQUEST NO. 23:

Copart objects to this request in that it is vague, ambiguous, overbroad, unduly burdensome and seeks documents neither relevant to the issues in this action nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving and subject to these objections, Copart will produce documents related to its property policies issued by USFIC.

Dated: September 14, 2007

PILLSBURY & LEVINSON, LLP

By:


Vedica Puri

Eric K. Larson

Attorneys for Plaintiff and Counterdefendant
COPART INC.

PILLSBURY & LEVINSON, LLP
The Transamerica Pyramid
600 Montgomery Street, 31st Floor · San Francisco, CA 94111

PILLSBURY & LEVINSON, LLP
The Transamerica Pyramid
600 Montgomery Street, 31st Floor · San Francisco, CA 94111

PROOF OF SERVICE

I, the undersigned, declare that I am a citizen of the United States; my business address is The Transamerica Pyramid, 600 Montgomery Street, 31st Floor, San Francisco, California 94111; I am employed in the City and County of San Francisco; I am over the age of eighteen (18) years and not a party to the within action.

On September 14, 2007, I served the foregoing document(s) described as

(1) COPART'S RESPONSE TO U.S. FIRE'S FIRST SET OF DOCUMENT REQUESTS

on the interested party(ies) in this action by placing ☐ the original ☒ a true copy thereof enclosed in a sealed envelope addressed as follows:

Jess B. Milikan
Samuel H. Ruby
BULLLIVANT HOUSER BAILEY PC
601 California Street, Suite 1800
San Francisco, CA 94108
Tel. 415-352-2700
Fax 415-352-2701

☒ BY MAIL: I caused such envelope(s), fully prepaid, to be placed in the United States mail at San Francisco, California. I am "readily familiar" with this firm's practice for collection and processing of correspondence for mailing. Under that practice, it would be deposited with the United States Postal Service the same day, with postage thereon fully prepaid, at San Francisco, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date on postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ BY FACSIMILE: In addition to service by mail, on this date I transmitted a copy of the foregoing document(s) to the facsimile number(s) shown above.

☐ BY OVERNIGHT COURIER: I caused such envelope(s) to be placed for collection and delivery on this date with standard FEDERAL EXPRESS delivery procedures.

☐ BY PERSONAL SERVICE: I caused such envelope(s) to be delivered by WORLDWIDE NETWORK, a local San Francisco messenger service, by hand on the same day, addressed to the interested party(ies) at the address(es) set forth above.

☒ STATE: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 14, 2007 at San Francisco, California.



Sandra Bush

EXHIBIT C

Ruby, Samuel

From: Ruby, Samuel
Sent: Thursday, October 18, 2007 10:50 AM
To: 'Rick Larson'
Cc: 'Vedica Puri'
Subject: Copart's Privilege Log

Rick,

9/14/05 email from Patrice McIntyre (Marsh) to Heather Luck (Copart) - why privileged? Neither author nor recipient is an attorney, and McIntyre is not even a Copart employee. Also, is the date correct? The hurricane was a month later.

7/24/05 email - I understand Greg Adler is an attorney, but same question with respect to the date.

7/31/07 email from Mike Carson to Will Franklin/Simon Rote - why privileged?

1/22/07 email from Simon Rote to Will Franklin and Jim Meeks - why privileged?

12/27/05 email from Jay Adair to Will Franklin et al. - was that from Anthony Jay Adair, Esq., SB#246811?

11/28/06 email from Heather Luck to Patrice McIntyre - same questions as with 9/14/05 email.

This will also confirm that US Fire has requested supplemental responses and production in response to Demands 7-8 and 18-23, and supplemental production in response to demands 14-15. Please advise of Copart's position as soon as possible.

Samuel H. Ruby

Bullivant|Houser|Bailey PC

601 California St., Ste. 1800

San Francisco, CA 94108-2823

<mailto:samuel.ruby@bullivant.com>

direct dial: 415.352-2723 - fax: 415.352-2701

<http://www.bullivant.com>

Seattle . Vancouver . Portland . Sacramento . **San Francisco** . Las Vegas